

Remarks

Claims 1, 2, and 7-9 have been amended to correct typographical errors in accordance with the Examiner's suggestions and to more particularly point out and distinctly claim the subject matter of Applicants' invention. No new matter has been added, and no new material presented that would necessitate an additional search on the part of the Examiner.

Upon entry of this Amendment and Response, claims 1-9 remain pending.

Objections

Drawings

The Fig. 1 objected to because, according to the Examiner, Fig. 1 depicts a block diagram without 'readily identifiable' descriptors of each block as required by 37 C.F.R. 1.84(n).

In response, Applicants submit herewith a Replacement Drawing Sheet in which Fig. 1 has been amended to provide readily identifiable descriptors in accordance with the Examiner's suggestion.

Fig. 1 was also objected to because, according to the Examiner, Fig. 1 includes a character not mentioned in the description, i.e., 3.

In response, Applicants have amended the specification to include this character, 3.

Fig. 3 was also objected to because, according to the Examiner, Fig. 3 includes a character not mentioned in the description, i.e., 106.

In response, Applicants have amended the specification to include this character, 106.

Specification

The specification was objected to because the first line of the specification does not include a sentence acknowledging Applicants' claim for foreign priority.

In response, Applicants have amended the specification to include a claim for foreign priority.

Claims

Claims 1, 3 and 7-9 were objected to as failing to distinctly claim the subject matter which Applicants regard as their invention.

In response, Applicants have amended claims to correct typographical errors in these claims.

In view of the above, Applicants respectfully request withdrawal of the Examiner's objections to the drawing, specification and claims.

Rejection Under 35 U.S.C. 101

Claim 9 was rejected under 35 U.S.C. 101 as directed to non-statutory subject matter because, according to the Examiner, this claim defines a computer program embodying functional descriptive material without defining a computer-readable medium or computer-readable memory.

In response, Applicants have amended Claim 9 to clarify that the functional descriptive material is recorded on a computer readable medium. In view of this amendment, Applicants respectfully submit that newly amended Claim 14 is directed to statutory subject matter and request withdrawal of the rejection under 35 U.S.C. 101.

Rejection Under 35 U.S.C. 102(b)

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,926,569 (Chaney et al., hereinafter "Chaney"). Applicants respectfully traverse.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Manual of Patent Examining Procedure* § 2131 (8th ed., Rev. 4, Oct. 2005), citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). Thus, the standard for rejection under 35 U.S.C. § 102 is identity.

Factual analysis below shows that Chaney is not the same as the subject matter of the Applicants' claimed invention.

Chaney discloses a system and method for producing a representation of an object shape by establishing a shape hierarchy recognition pattern based on the shape of an object in a digital reference. Chaney does not disclose Applicants' claimed system which is capable of automatically measuring geometrical properties of an object and deriving geometrical properties based on the subparts of an object by integrating additional geometrical information into a deformable surface model. In contrast to Applicants' claimed invention, Chaney does not apply

additional geometrical information to the adapted deformable surface model of the object. Rather, Chaney discloses applying additional training images to a non-deformable object template “without shape variabilities”. See Fig. 6. Chaney does not disclose applying additional geometrical information to a deformable surface model. Accordingly, Chaney does not disclose each element of any claim of Applicants’ claimed invention.

The legal standard for rejection under 35 U.S.C. §102 is identity. As shown above, Chaney is not the same as the subject matter of Applicants’ claimed invention (e.g., Claim 1, Claim 5).

Accordingly, Applicants respectfully assert that claims 1-9 are novel in view of Chaney, and respectfully request withdrawal of the Examiner’s rejection under 35 U.S.C. §102(b).

Summary

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance, which is respectfully requested.

If there are any questions regarding these remarks, the Examiners are invited and encouraged to contact Applicants’ representative at the telephone number provided.

Respectfully submitted,

/Todd A. Holmbo/
Todd A. Holmbo, Reg. No. 42,665
Attorneys for Applicant
Tel: (914) 333-9608
Date: January 3, 2008